

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
)
 LARRY M. COLMAN, M.D.)
 Certificate No. C-32794)
)
 Respondent.)

)

No. 06-90-2621


DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on March 3, 1997.

IT IS SO ORDERED January 31, 1997.

By:



IRA LUBELL, M.D.
Chairperson, Panel A
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 GLORIA A. BARRIOS,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street
4 Los Angeles, California 90013
Telephone: (213) 897-8854
5
6 Attorneys for Complainant

7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation) Case No. 06-90-2621
Against:)

12) OAH No. L-57621
13 **LARRY M. COLMAN, M.D.,**)
310 Tejon Place)
14 Palos Verdes, California)
90274)

15 **STIPULATED SETTLEMENT**
16 **AND**
17 **DISCIPLINARY ORDER**

15 Physician and Surgeon Certificate)
No. C-032794)

16)
17 Respondent.)

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are
20 true:
21

22 1. An Accusation in case number 06-90-2621 was filed
23 with the Division of Medical Quality, Medical Board of
24 California, Department of Consumer Affairs (the "Division") on
25 May 26, 1992. A First Supplemental Accusation in case number 06-
26 90-2621 was filed with the Division on January 25, 1995, and is
27 currently pending against Larry M. Colman, M.D. (the "respondent").

1 2. The Accusation, the First Supplemental Accusation
2 together with all statutorily required documents, was duly served
3 on the respondent on or about May 28, 1992, and January 30, 1995,
4 respectively, and respondent filed his Notice of Defense
5 contesting the Accusation on or about June 2, 1992. A copy of
6 the Accusation, the First Supplemental Accusation in case number
7 06-90-2621 are attached as Exhibit "A" and hereby incorporated by
8 reference as if fully set forth.

9 3. The Complainant, Ron Joseph, is the Executive
10 Director of the Medical Board of California and brought this
11 action solely in his official capacity. The Complainant is
12 represented by the Attorney General of California, Daniel E.
13 Lungren, by and through Deputy Attorney General Gloria A.
14 Barrios.

15 4. The respondent is represented in this matter by
16 Henry R. Fenton, Esq., whose address is 11845 West Olympic Blvd.,
17 Suite 1000, Los Angeles, California 90064.

18 5. The respondent and his attorney have fully
19 discussed the charges contained in the Accusation and First
20 Supplemental Accusation case number 06-90-2621, and the
21 respondent has been fully advised regarding his legal rights and
22 the effects of this stipulation.

23 6. At all times relevant herein, respondent has been
24 licensed by the Medical Board of California under Physician and
25 Surgeon Certificate No. C-32794.

26 7. Respondent understands the nature of the charges
27 alleged in the Accusation the First Supplemental Accusation and

1 that, if proven at hearing, the charges and allegations would
2 constitute cause for imposing discipline upon his Physician and
3 Surgeon Certificate. Respondent is fully aware of his right to a
4 hearing on the charges contained in the Accusation and the First
5 Supplemental Accusation, his right to confront and cross-examine
6 witnesses against him, his right to the use of subpoenas to
7 compel the attendance of witnesses and the production of
8 documents in both defense and mitigation of the charges, his
9 right to reconsideration, appeal and any and all other rights
10 accorded by the California Administrative Procedure Act and other
11 applicable laws. Respondent knowingly, voluntarily and
12 irrevocably waives and give up each of these rights.

13 8. Solely for the purpose of this proceeding and any
14 future proceedings before the Division, respondent admits that he
15 violated Business and Professions Code section 2234, subdivision
16 (c), (repeated negligent acts) as alleged in paragraph 10,
17 referring to paragraph 9, subparagraphs C and E, of the
18 Accusation and paragraph 12, referring to paragraph 11,
19 subparagraphs C and E, of the First Supplemental Accusation.
20 Respondent agrees to be bound by the Division's Disciplinary
21 Order as set out below. Respondent has not performed any
22 chemical peels since 1988.

23 9. The admissions made by respondent herein are for
24 the purpose of this proceeding and any other proceedings in which
25 the Division of Medical Quality, Medical Board of California, or
26 other professional licensing agency is involved, and shall not be
27 admissible in any other criminal or civil proceedings.

1 10. Based on the foregoing admissions and stipulated
2 matters, the parties agree that the Division shall, without
3 further notice or formal proceeding, issue and enter the
4 following order:

5
6 **DISCIPLINARY ORDER**

7 **IT IS HEREBY ORDERED** that Physician and Surgeon
8 Certificate number C-032794 issued to Larry M. Colman, M.D., is
9 revoked. However, the revocation is stayed and respondent is
10 placed on probation for 5 years on the following terms and
11 conditions. Within 15 days after the effective date of this
12 decision the respondent shall provide the Division, or its
13 designee, proof of service that respondent has served a true copy
14 of this decision on the Chief of Staff or the Chief Executive
15 Officer at every hospital where privileges or membership are
16 extended to respondent or where respondent is employed to
17 practice medicine and on the Chief Executive Officer at every
18 insurance carrier where malpractice insurance coverage is
19 extended to respondent.

20
21 **1. COMMUNITY SERVICES - FREE SERVICES**

22 Within 60 days from the effective date of this decision,
23 respondent shall submit to the Division or its designee for its
24 prior approval a community service program in which respondent
25 shall provide free nonmedical services on a regular basis to a
26 community or charitable facility or agency for at least 200 hours
27 total during his probation.

1 **2. EDUCATION COURSE**

2 Within 90 days from the effective date of this
3 decision, and on an annual basis thereafter, respondent shall
4 submit to the Division or its designee for its prior approval an
5 educational program or course to be designated by the Division,
6 which shall not be less than 40 hours per year, for each year of
7 probation. This program shall be in addition to the Continuing
8 Medical Education requirements for re-licensure. Following the
9 completion of each course, the Division or its designee may
10 administer an examination to test respondent's knowledge of the
11 course. Respondent shall provide proof of attendance for 65
12 hours of continuing medical education of which 40 hours were in
13 satisfaction of this condition and were approved in advance by
14 the Division or its designee. Following the completion of each
15 course, the Division or its designee may administer an
16 examination to test respondent's knowledge of the course.
17 Respondent shall provide proof of attendance for 65 hours of
18 continuing medical education of which 40 hours were in
19 satisfaction of this condition and were approved in advance by
20 the Division or its designee.

21 **3. ETHICS COURSE**

22 Within 60 days of the effective date of this decision,
23 respondent shall enroll in a course in Ethics approved in advance
24 by the Division or its designee, and shall successfully complete
25 the course during the first year of probation.

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1 **4. SPEX EXAM**

2 Respondent shall take and pass a Spex exam to be
3 administered by the Federation of State Medical Boards, or its
4 designee. This examination shall be taken within 90 days after
5 the effective date of this decision. If respondent fails the
6 first examination, respondent shall be allowed to take and
7 pass a second examination. The waiting period between the first
8 and second examinations shall be at least three months. If
9 respondent fails to pass the first and second examinations,
10 respondent may take a third and final examination after waiting a
11 period of one year. Failure to pass the Spex exam within 18
12 months after the effective date of this decision shall constitute
13 a violation of probation. The respondent shall pay the costs of
14 all examinations.

15 **5. COSMETIC SURGERY**

16 During probation, respondent will not perform cosmetic
17 surgery.

18 **6. OBEY ALL LAWS**

19 Respondent shall obey all federal, state and local
20 laws, all rules governing the practice of medicine in California,
21 and remain in full compliance with any court ordered criminal
22 probation, payments and other orders.

23 **7. QUARTERLY REPORTS**

24 Respondent shall submit quarterly declarations under
25 penalty of perjury on forms provided by the Division, stating
26 whether there has been compliance with all the conditions of
27 probation.

1 **8. PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

2 Respondent shall comply with the Division's probation
3 surveillance program. Respondent shall, at all times, keep the
4 Division informed of his or her addresses of business and
5 residence which shall both serve as addresses of record. Changes
6 of such addresses shall be immediately communicated in writing to
7 the Division. Under no circumstances shall a post office box
8 serve as an address of record.

9 Respondent shall also immediately inform the Division,
10 in writing, of any travel to any areas outside the jurisdiction
11 of California which lasts, or is contemplated to last, more than
12 thirty (30) days.

13 **9. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**
14 **DESIGNATED PHYSICIAN(S)**

15 Respondent shall appear in person for interviews with
16 the Division, its designee or its designated physician(s) upon
17 request at various intervals and with reasonable notice.

18 **10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
19 **IN-STATE NON-PRACTICE**

20 In the event respondent should leave California to
21 reside or to practice outside the State or for any reason should
22 respondent stop practicing medicine in California, respondent
23 shall notify the Division or its designee in writing within ten
24 days of the dates of departure and return or the dates of non-
25 practice within California. Non-practice is defined as any
26 period of time exceeding thirty days in which respondent is not
27 engaging in any activities defined in Sections 2051 and 2052 of
the Business and Professions Code. All time spent in an

1 intensive training program approved by the Division or its
2 designee shall be considered as time spent in the practice of
3 medicine. Periods of temporary or permanent residence or
4 practice outside California or of non-practice within California,
5 as defined in this condition, will not apply to the reduction of
6 the probationary period.

7 **11. COMPLETION OF PROBATION**

8 Upon successful completion of probation, respondent's
9 certificate shall be fully restored.

10 **12. VIOLATION OF PROBATION**

11 If respondent violates probation in any respect, the
12 Division, after giving respondent notice and the opportunity to
13 be heard, may revoke probation and carry out the disciplinary
14 order that was stayed. If an accusation or petition to revoke
15 probation is filed against respondent during probation, the
16 Division shall have continuing jurisdiction until the matter is
17 final, and the period of probation shall be extended until the
18 matter is final.

19 **13. COST RECOVERY**

20 The respondent is hereby ordered to reimburse the
21 Division the amount of \$5,000.00 (FIVE THOUSAND DOLLARS), payable
22 in five equal installments, on the first business day of June for
23 each and every year of probation for its investigative and
24 prosecution costs. Failure to reimburse the Division's cost of
25 its investigation and prosecution shall constitute a violation of
26 the probation order, unless the Division agrees in writing to
27 payment by an alternate installment plan because of financial

1 hardship. The filing of bankruptcy by the respondent shall not
2 relieve the respondent of his responsibility to reimburse the
3 Division for its investigative and prosecution costs.

4 **14. LICENSE SURRENDER**

5 Following the effective date of this decision, if
6 respondent ceases practicing due to retirement, health reasons or
7 is otherwise unable to satisfy the terms and conditions of
8 probation, respondent may voluntarily tender his certificate to
9 the Board. The Division reserves the right to evaluate the
10 respondent's request and to exercise its discretion whether to
11 grant the request, or to take any other action deemed appropriate
12 and reasonable under the circumstances. Upon formal acceptance
13 of the tendered license, respondent will no longer be subject to
14 terms and conditions of probation.

15 **15. PROBATION COSTS**

16 All costs incurred for probation monitoring during the
17 entire probation shall be paid by the respondent.

18 **CONTINGENCY**

19 This stipulation shall be subject to the approval of
20 the Division. Respondent understands and agrees that Board staff
21 and counsel for complainant may communicate directly with the
22 Division regarding this stipulation and settlement, without
23 notice to or participation by respondent or his counsel. If the
24 Division fails to adopt this stipulation as its Order, the
25 stipulation shall be of no force or effect, it shall be

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1 inadmissible in any legal action between the parties, and the
2 Division shall not be disqualified from further action in this
3 matter by virtue of its consideration of this stipulation.

4 ACCEPTANCE

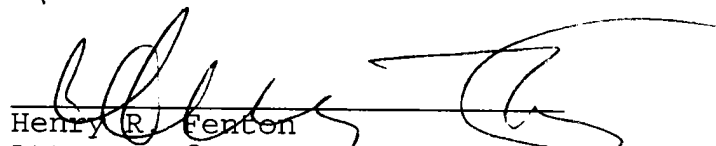
5 I have read the above Stipulated Settlement and
6 Disciplinary Order. I have fully discussed the terms and
7 conditions and other matters contained therein with my attorney,
8 Henry R. Fenton. I understand the effect this Stipulated
9 Settlement and Disciplinary Order will have on my Physician and
10 Surgeon Certificate, and agree to be bound thereby. I enter this
11 stipulation freely, knowingly, intelligently and voluntarily.

12 DATED: 11/25/96.

13
14 
15 LARRY M. COLMAN, M.D.
16 Respondent

17 I have read the above Stipulated Settlement and
18 Disciplinary Order and approve of it as to form and content. I
19 have fully discussed the terms and conditions and other matters
20 therein with respondent Larry M. Colman, M.D.

21 DATED: 11/25/96.

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23 
24 Henry R. Fenton
Attorney for Respondent


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DATED: Dec. 27, 1996


GLORIA A. BARRIOS
Deputy Attorney General

11.

ACCUSATION

DANIEL E. LUNGREN, Attorney General
of the State of California
GLORIA A. BARRIOS,
Deputy Attorney General
California Department of Justice
300 South Spring Street
Los Angeles, California 90013
Telephone: (213) 897-2534

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

NO. D-4729

LARRY M. COLMAN, M.D.,
310 Tejon Place
Palos Verdes Estates, California
90274

A C C U S A T I O N

Physician's and Surgeon's
Certificate No. C032794,

Respondent. _)

The Complainant alleges:

PARTIES

1. Complainant, Kenneth J. Wagstaff, is the Executive
Director of the Medical Board of California (hereinafter the
"Board") and brings this accusation solely in his official
capacity.

2. On or about October 19, 1970, Physician's and
Surgeon's Certificate No. C032794 was issued by the Board to
Larry M. Colman, M.D., (hereinafter "respondent"), and at all

/

1 times relevant to the charges herein brought, said license has
2 been in full force and effect.

3 JURISDICTION

4 3. This accusation is brought under the authority of
5 the following sections of the California Business and Professions
6 Code (hereinafter "Code"):

7 4. Section 2227 of the Code provides that the Board
8 may revoke, suspend for a period not to exceed one year, or place
9 on probation, the license of any licensee who has been found
10 guilty under the Medical Practice Act.

11 5. Section 810 subdivision (a) of the Code provides
12 that it is unprofessional conduct and grounds for disciplinary
13 action for a health care professional to do any of the following
14 in connection with his professional activities:

15 (1) Knowingly present or cause to be presented any
16 false or fraudulent claim for the payment of a loss under
17 or contract of insurance.

18 (2) Knowingly prepare, make, or subscribe any writing,
19 with intent to present or use the same, or to allow it to be
20 presented or used in support of any such claim.

21 6. Section 2234 of the Code provides that
22 unprofessional conduct includes, but is not limited to, the
23 following:

24 "(a) Violating or attempting to violate, directly or
25 indirectly, or assisting in or abetting the violation of, or
26 conspiring to violate, any provision of this chapter.

27 (b) Gross negligence.

1 (c) Repeated negligent acts.

2 (d) Incompetence.

3 (e) The commission of any act involving dishonesty or
4 corruption which is substantially related to the
5 qualifications, functions, or duties of a physician and
6 surgeon."

7 7. Section 2261 of the Code provides that knowingly
8 making or signing any certificate or other document directly or
9 indirectly related to the practice of medicine or podiatry which
10 falsely represents the existence or nonexistence of a state of
11 facts, constitutes unprofessional conduct.

12 FIRST CAUSE OF ACTION

13 8. Respondent Larry M. Colman, M.D., is subject to
14 disciplinary action under section 810 subdivision (a) of the Code
15 in that respondent fraudulently billed an insurance company for a
16 medical procedure when in fact it was a cosmetic procedure. The
17 circumstances are as follows:

18 A. In or about March, 1987, patient Rebecca S. went
19 to see respondent about a treatment he described as an
20 "Endodermology" which would remove facial keratoses
21 (growths).

22 B. On or about March 30, 1987, respondent sought
23 preapproval from patient Rebecca S.'s insurance company for
24 payment. Respondent described the proposed procedure on
25 patient Rebecca S. solely as a medical procedure, when in
26 fact it was a cosmetic procedure to remove facial wrinkles.

27 /

1 C. On or about May 14, 1987, patient Rebecca S.'s
2 insurance company gave respondent a preapproval to pay for
3 the medical procedure based on the representations made by
4 respondent. The insurance company would not have
5 preapproved or paid for the procedure had they been aware
6 that it was a cosmetic procedure.

7 SECOND CAUSE OF ACTION

8 9. Respondent Larry M. Colman, M.D., is subject to
9 disciplinary action under section 2234 (b) of the Code in that he
10 was grossly negligent in his treatment of patient Rebecca S. The
11 circumstances are as follows:

12 A. Complainant hereby incorporates by reference
13 paragraphs 8A through C.

14 B. In or about May, 1987, respondent assured patient
15 Rebecca S. that the Endodermology treatment could not possibly
16 burn or scar. Respondent told patient Rebecca S. that the
17 treatment would permanently remove keratoses from her face. He
18 also told her that the treatment would leave her with brand new
19 baby skin. Respondent never informed patient Rebecca S. that the
20 treatment was in fact a chemical peel.

21 C. On or about June 4, 1987, respondent performed a
22 chemical peel on patient Rebecca S.'s face and neck.

23 D. Patient Rebecca S. immediately began to experience
24 severe pain and itching. Her neck became infected. Respondent
25 prescribed medications to treat these conditions.

26 E. On or about June 16, June 30, July 10, July 15,
27 July 31 and August 10, 1987, patient Rebecca S. went to see

1 respondent about her continuing pain, the uneven results of
2 the chemical peel and the scarring which began to appear
3 on her face and neck.

4 F. Respondent failed to treat the developing second
5 degree chemical burns on patient Rebecca S.'s neck. He
6 prescribed inappropriate medications to her and told her he
7 would reapply the treatment to the unhealed areas later.

8 G. Patient Rebecca S. had to seek immediate medical
9 assistance elsewhere.

10 THIRD CAUSE OF ACTION

11 10. Respondent Larry M. Colman, M.D., is subject to
12 disciplinary action under section 2234 (c) of the Code in that he
13 was repeatedly negligent in his treatment of patient Rebecca S.
14 The circumstances are as follows:

15 A. Complainant hereby incorporates by reference
16 paragraphs 8A through C and paragraphs 9B through G.

17 FOURTH CAUSE OF ACTION

18 11. Respondent Larry M. Colman, M.D., is subject to
19 disciplinary action under section 2234 (d) of the Code in that he
20 was incompetent in his treatment of patient Rebecca S. The
21 circumstances are as follows:

22 A. Complainant hereby incorporates by reference
23 paragraphs 9B through G.

24 FIFTH CAUSE OF ACTION

25 12. Respondent Larry M. Colman, M.D., is subject to
26 disciplinary action under section 2234 (e) of the Code in that he
27 was committed acts of dishonesty or corruption by making false

1 representations to an insurance company concerning the treatment
2 of patient Rebecca S. The circumstances are as follows:

3 A. Complainant hereby incorporates by reference
4 paragraphs 8A through C.

5 SIXTH CAUSE OF ACTION

6 13. Respondent Larry M. Colman, M.D., is subject to
7 disciplinary action under section 2261 of the Code in that he
8 knowingly signed documents which directly or indirectly related
9 to the practice of medicine which falsely represented the
10 existence or nonexistence of facts. The circumstances are as
11 follows:

12 A. Complainant hereby incorporates by reference
13 paragraphs 8A through C.

14 PRAYER

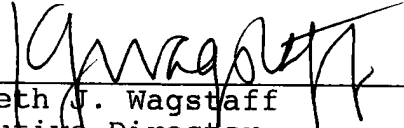
15 WHEREFORE, the complainant requests that a hearing be
16 held on the matters herein alleged, and that following said
17 hearing, the Board issue a decision:

18 1. Revoking or suspending Physician's and Surgeon's
19 Certificate Number C032794, heretofore issued to respondent Larry
20 M. Colman, M.D.,;

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1 2. Taking such other and further action as the Board
2 deems proper.

3 DATED: May 26, 1992 .

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6 
7 Kenneth J. Wagstaff
8 Executive Director
9 Medical Board of California
10 Department of Consumer Affairs
11 State of California

12 Complainant
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1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 GLORIA A. BARRIOS,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street
4 Los Angeles, California 90013
Telephone: (213) 897-2534
5
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DIVISION OF MEDICAL QUALITY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation) NO. D-4729
14 Against:)
15 LARRY M. COLMAN, M.D.,) F I R S T
16 310 Tejon Place) S U P P L E M E N T A L
17 Palos Verdes Estates, Ca. 90274) A C C U S A T I O N
18 Physician's and Surgeon's)
19 Certificate No. C-032794,)
20 Respondent.)

21 The Complainant alleges:

22 PARTIES

23 1. Complainant, Dixon Arnett, is the Executive
24 Director of the Medical Board of California (hereinafter the
25 "Board") and brings this first supplemental accusation solely in
26 his official capacity.

27 2. On or about October 19, 1970, Physician's and
Surgeon's Certificate No. C-032794 was issued by the Board to
Larry M. Colman, M.D., (hereinafter "respondent"), and at all

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1 times relevant to the charges herein brought, said license has
2 been in full force and effect. Unless renewed. it will expire on
3 May 31, 1995.

4 JURISDICTION

5 3. On or about May 26, 1992, Accusation Case No. D-
6 4729, was filed and served on respondent who thereafter on or
7 about June 2, 1992, filed a Notice of Defense.

8 4. This First Supplemental Accusation is brought
9 under the authority of the following sections of the California
10 Business and Professions Code (hereinafter "Code"):

11 5. Section 810, subdivision (a), which provides that
12 it is unprofessional conduct and grounds for disciplinary action
13 for a health care professional to do any of the following in
14 connection with his professional activities:

15 (1) Knowingly present or cause to be presented any
16 false or fraudulent claim for the payment of a loss under
17 or contract of insurance.

18 (2) Knowingly prepare, make, or subscribe any writing,
19 with intent to present or use the same, or to allow it to be
20 presented or used in support of any such claim.

21 6. Section 2227 which provides that the Board may
22 revoke, suspend for a period not to exceed one year, or place on
23 probation, the license of any licensee who has been found guilty
24 under the Medical Practice Act.

25 7. Section 2234 which provides that
26 unprofessional conduct includes, but is not limited to, the
27 following:

1 "(a) Violating or attempting to violate, directly or
2 indirectly, or assisting in or abetting the violation of, or
3 conspiring to violate, any provision of this chapter.

4 (b) Gross negligence.

5 (c) Repeated negligent acts.

6 (d) Incompetence.

7 (e) The commission of any act involving dishonesty or
8 corruption which is substantially related to the
9 qualifications, functions, or duties of a physician and
10 surgeon."

11 8. Section 2261 which provides that knowingly making
12 or signing any certificate or other document directly or
13 indirectly related to the practice of medicine or podiatry which
14 falsely represents the existence or nonexistence of a state of
15 facts, constitutes unprofessional conduct.

16 9. Section 125.3 of the Code which provides that the
17 Division may request the administrative law judge to direct any
18 licensee found to have committed a violation or violations of
19 the licensing act, to pay the Division a sum not to exceed the
20 reasonable costs of the investigation and enforcement of the
21 case.

22 FIRST CAUSE OF ACTION

23 (FRAUD)

24 10. Respondent Larry M. Colman, M.D., is subject to
25 disciplinary action under section 810, subdivision (a), of the

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1 Code in that respondent fraudulently billed an insurance company
2 for a medical procedure when in fact it was a cosmetic procedure.
3 The circumstances are as follows:

4 A. On or about and during March, 1987, patient R.S.
5 went to see respondent about a treatment he described as an
6 "Endodermology" which would remove facial keratoses
7 (growths).

8 B. On or about March 30, 1987, respondent sought
9 preapproval from patient R.S.'s insurance company for
10 payment. Respondent described the proposed procedure on
11 patient R.S. solely as a medical procedure, when in fact it
12 was a cosmetic procedure to remove facial wrinkles.

13 C. On or about May 14, 1987, patient R.S.'s
14 insurance company gave respondent a preapproval to pay for
15 the medical procedure based on the representations made by
16 respondent. The insurance company would not have
17 preapproved or paid for the procedure had they been aware
18 that it was a cosmetic procedure.

19 SECOND CAUSE OF ACTION

20 (GROSS NEGLIGENCE)

21 11. Respondent Larry M. Colman, M.D., is subject to
22 disciplinary action under section 2234, subdivision (b), of the
23 Code in that he was grossly negligent in his treatment of
24 patients R.S. and J.H.S.^{1/} The circumstances are as follows:

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- 25
26 1. All patients named in this accusation shall be
27 referred to by their initials only. The true names of
 the patients will be made available to respondent
 during discovery.

1 A. Complainant hereby incorporates by reference
2 paragraphs 10A through C, inclusive, above.

3 B. On or about May, 1987, respondent assured patient
4 R.S. that the Endodermology treatment could not possibly
5 burn or scar. Respondent told patient R.S. that the
6 treatment would permanently remove keratoses from her face.
7 He also told her that the treatment would leave her with
8 brand new baby skin. Respondent never informed patient R.S.
9 that the treatment was in fact a chemical peel.

10 C. On or about June 4, 1987, respondent performed a
11 chemical peel on patient R.S.'s face and neck.

12 D. Patient R.S. immediately began to experience
13 severe pain and itching. Her neck became infected.
14 Respondent prescribed medications to treat these
15 conditions.

16 E. On or about June 16, June 30, July 10, July 15,
17 July 31 and August 10, 1987, patient R.S. went to see
18 respondent about her continuing pain, the uneven
19 results of the chemical peel and the scarring which
20 began to appear on her face and neck.

21 F. Respondent failed to treat the developing second
22 degree chemical burns on patient R.S.'s neck. He
23 prescribed inappropriate medications to her and told
24 her he would reapply the treatment to the unhealed
25 areas later.

26 G. Patient R.S. had to seek immediate medical
27 assistance elsewhere.

1 H. On or about February 15, 1988, patient J.H.S. began
2 seeing respondent as her family physician.

3 I. On or about October 7, 1991, patient J.H.S.,
4 complained to respondent about swelling on the right
5 side of her neck.

6 J. Respondent diagnosed lymphadenitis, an
7 inflammation of a lymph node. Respondent prescribed an
8 antibiotic.

9 K. On or about October 14, 1991, patient J.H.S.
10 complained to respondent that the enlargement was
11 persistent. Patient J.H.S. was worried that the
12 enlargement was malignant.

13 L. On or about October 24, 1991, respondent removed
14 the lymph node from patient J.H.S.'s neck.

15 M. While removing the lymph node from patient
16 J.H.S.'s neck, respondent negligently cut the spinal
17 accessory nerve causing pain and limited motion of the
18 trapezius muscle.

19 THIRD CAUSE OF ACTION

20 (REPEATED NEGLIGENCE)

21 12. Respondent Larry M. Colman, M.D., is subject to
22 disciplinary action under section 2234 (c) of the Code in that he
23 was repeatedly negligent in his treatment of patients R.S. and
24 J.H.S. The circumstances are as follows:

25 A. Complainant hereby incorporates by reference
26 paragraphs 10A through C, inclusive, and paragraphs 10B
27 through G, inclusive, above.

1 A. Complainant hereby incorporates by reference
2 paragraphs 10A through C, inclusive, above.

3 PRAYER

4 WHEREFORE, the complainant requests that a hearing be
5 held on the matters herein alleged, and that following said
6 hearing, the Board issue a decision:

7 1. Revoking or suspending Physician's and Surgeon's
8 Certificate Number C-032794, heretofore issued to respondent
9 Larry M. Colman, M.D.,;

10 2. Ordering respondent to pay the Division the actual
11 and reasonable costs of the investigation and enforcement of this
12 case;

13 3. Taking such other and further action as the Board
14 deems proper.

15 DATED: Jan. 25, 1995.

16
17
18 Dixon Arnett (cf.B.)
19 Dixon Arnett
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California

24
25
26
27 Complainant